



26

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION  
CENTRO EUROPA BUILDING, SUITE 417  
1492 PONCE DE LEON AVENUE, STOP 22  
SAN JUAN, PR 00907-4127

JUL 10 2003

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Dr. Jorge Fernández Pabón  
President,  
Protección Técnica Ecológica, Inc. (Proteco)  
20 Washington Street  
Cond. Caribbean, Apt. PHC  
San Juan, PR 00907

Re: Authorization Request for Use of Post-Closure Trust Fund  
For Leachate Disposal Activities at the CAMU  
(Banco Santander Acc. No. 80-0061-00)  
EPA I.D. No. PRD091018622

Dear Dr. Fernandez:

The U.S. Environmental Protection Agency (EPA) has reviewed Proteco's letter dated June 16, 2003 regarding the use of the Post-Closure Trust Fund (Fund) to pay for the removal and disposal of leachate from the CAMU.

Although Proteco makes reference to leachate removal and disposal from the CAMU in its most recent post-closure care cost estimates<sup>1</sup>, Proteco did not consider these costs when it originally estimated the post-closure care costs. Consequently, Proteco did not place any money in its Fund to cover the cost of pumping and removing leachate from the CAMU.

Proteco has made the same petition previously, and EPA has consistently denied it based on the fact that these specific maintenance activities have never been funded by Proteco. Please refer to the attached EPA letters to Proteco, dated April 21, 2000 from Assistant Regional Counsel Amy Chester, and March 9, 2001 from Waste and Toxic Substances Branch Chief William Sawyer, regarding this same issue. Both letters clearly stated that Proteco must amend its original post-closure cost estimate and add monies to the Fund in order to have the Fund cover any costs related to leachate removal and disposal from the CAMU.

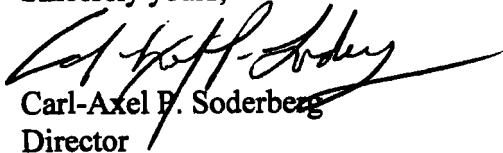
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<sup>1</sup>Proteco's first reference to leachate disposal was made in the post-closure care cost estimate table submitted with in the July 1999 RCRA Permit Application-Post-Closure Plan (Section I-6, Page I-6); then, in its December 2001 submittal, in response to EPA's September 2001 NOD, Proteco again makes reference to leachate disposal in the post-closure care maintenance activities breakdown. Money was never added to the Fund however to cover these specific costs.

In light of the above, EPA can not approve Proteco's request to withdraw funds from its Post-Closure Trust Fund to pay for the leachate removal and disposal activities carried out at the CAMU.

If you have any questions regarding this correspondence, please contact Angel E. Salgado, Proteco Project Manager, at (787) 977-5854.

Sincerely yours,



Carl-Axel P. Soderberg

Director

Caribbean Environmental Protection Division

Enclosures

cc: Sy Gruza, Beveridge & Diamond, P.C.  
Julio Ivan Rodriguez, LPRP-EQB

**bcc: Victor Trinidad, CEPD-EMB  
Amy Chester, ORC-WTSB  
Dale Carpenter, DEPP-RPB  
William K. Sawyer, ORC-WTSB  
Angel E. Salgado, CEPD-EMB**